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ACTION IO-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	OASY-00
	DODE-00	EAP-01	EB-01	EUR-01	H-01	TEDE-00	INR-00
	JUSE-00	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02
	OIG-04	PA-01	PRS-01	P-01	SP-00	SR-00	SS-00
	STR-01	TRSE-00	USIE-00	SA-01	PRME-01	DRL-09	G-01

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O 272343Z JUN 94  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC IMMEDIATE 7351  
INFO UN SECURITY COUNCIL COLLECTIVE IMMEDIATE  
AMEMBASSY BUJUMBURA

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 002642

DEPARTMENT FOR IO/ESA, IO/UNP, DRL, AF/C

E.O.12356: DECL 12/31/99

TAGS: PHUM, SC, UNHRC-1, RW

SUBJECT: RWANDA: HIGH COMMISSIONER FOR HUMAN RIGHTS  
REQUESTS CHANGES IN SPANISH SC DRAFT

REF: A) GENEVA 5403; B) USUN/DEPT FAX 6/22; C) GENEVA  
5584

1. CONFIDENTIAL - ENTIRE TEXT.

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SUMMARY

2. HIGH COMMISSIONER FOR HUMAN RIGHTS (HCHR) JOSE AYALA  
LASSO HAS COMMUNICATED HIS SERIOUS CONCERNs ABOUT THE  
SPANISH DRAFT SC TEXT TO THE SPANISH PERM REP IN GENEVA,  
WHO HAS BEEN RECEPTIVE. THE SPANISH HAVE CIRCULATED YET  
ANOTHER DRAFT, TAKING SOME OF THESE CONCERNs INTO  
ACCOUNT. USUN RECOMMENDS THAT THE COUNCIL WORK ON  
LANGUAGE THAT COULD MEET ANY REMAINING CONCERNs. PLEASE  
SEE ACTION REQUEST PARA 7. END SUMMARY.

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3. UN CENTER FOR HUMAN RIGHTS NEW YORK LIASON OFFICER ELISSAVET STAMATOPOULOU-ROBBINS (ES-R) (STRICTLY PROTECT) CALLED USUN HUMAN RIGHTS OFFICER JUNE 22 TO REPORT THAT HCHR JOSE AYALA LASSO HAS SERIOUS CONCERNS ABOUT THE SPANISH DRAFT SC TEXT. (THIS JIBES WITH INFO REFTEL.) THE HCHR HAS COMMUNICATED THESE CONCERNS AT LEAST TWICE TO THE SPANISH PERM REP IN GENEVA, WHO APPEARED TO BE RECEPTIVE. ACCORDING TO ES-R, THE SPANIARD TOLD AYALA HE AGREED WITH HIS CONCERNS AND UNDERTOOK TO COMMUNICATE THEM TO MADRID WITH A RECOMMENDATION THAT THE GOS MODIFY THE RESOLUTION TO TAKE THE CONCERNS INTO ACCOUNT. ES-R REPORTS THAT AYALA AND THE SPANISH AMBASSADOR ARE MEETING AGAIN JUNE 22, TO  
4. ES-R SAID SHE HAD ONLY SKETCHY INFORMATION ABOUT THE EXACT OBJECTIONS THE HCHR HAS ABOUT THE TEXT. SHE HAS NO SUGGESTED DRAFT LANGUAGE. AS WE UNDERSTAND THE HCHR'S CONCERNS, HE FEARS THAT THE MANDATE OF THE COMMISSION OF EXPERTS PROPOSED BY THE SPANISH TEXT WILL OVERLAP TO A CERTAIN EXTENT WITH THAT OF THE UNHRC

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SPECIAL RAPPORTEUR (SR) ON RWANDA, WHO IS DIRECTED BY THE COMMISSION TO "GATHER AND COMPILE SYSTEMATICALLY INFORMATION ON POSSIBLE VIOLATIONS OF HUMAN RIGHTS AND ACTS WHICH MAY CONSTITUTE BREACHES OF INTERNATIONAL HUMANITARIAN LAW AND CRIMES AGAINST HUMANITY, INCLUDING ACTS OF GENOCIDE, IN RWANDA AND TO MAKE THIS INFORMATION AVAILABLE TO THE SYG." (OP 21) IN OP 20 OF THE CHR RESOLUTION THE SYG IS REQUESTED TO MAKE THE REPORT OF THE SR AVAILABLE TO THE SC.

5. THE HCHR REPORTEDLY BELIEVES THAT THE MANDATE OF THE SR TO GATHER INFORMATION SHOULD HAVE PRIORITY OVER THAT OF THE COMMISSION OF EXPERTS, AND THAT THIS PRECEDENCE SHOULD BE INCORPORATED BY REFERENCE INTO THE SPANISH DRAFT. HE BELIEVES THE "GATHER AND COMPILE" PORTION OF THE MANDATE SHOULD BE RESERVED FOR THE SR, AND THAT THE COMMISSION OF EXPERTS FUNCTION SHOULD BE TO "RECEIVE AND EVALUATE" THE INFORMATION GATHERED AND COMPILED BY THE SR. WE ASKED E-SR TO PROVIDE DRAFT AMENDMENTS THAT MIGHT PLEASE THE HCHR, BUT AS OF JUNE 27 SHE HAD NOT BEEN ABLE TO DO SO.

6. AS GENEVA RIGHTLY POINTS OUT REFTELS A AND C, IT IS IMPORTANT TO AVOID DUPLICATION OF EFFORT BETWEEN THE SR

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AND THE COMMISSION OF EXPERTS AS OCCURRED IN THE CASE OF THE FORMER YUGOSLAVIA. OTHER SC MEMBERS HAVE SIMILAR CONCERNS ABOUT DUPLICATION. WE NOTE, HOWEVER, THAT THE SPANISH DRAFT DATED 22 JUNE 18:00 HOURS HAS BEEN MODIFIED CONSIDERABLY AND TAKES INTO ACCOUNT SOME OF THE HCHR'S CONCERNS. NEVERTHELESS, IT COULD STILL BE IMPROVED. THUS, REFERRING TO THE MOST RECENT SPANISH

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DRAFT, WE SUGGEST THAT THE FOLLOWING AMENDMENTS COULD ADDRESS THE HCHR'S REMAINING CONCERNS:

PP 5, ADD AT END OF PARA: "WHOSE MANDATE INCLUDES TO GATHER AND COMPILE SYSTEMATICALLY INFORMATION ON POSSIBLE VIOLATIONS OF HUMAN RIGHTS AND ACTS WHICH MAY CONSTITUTE BREACHES OF INTERNATIONAL HUMANITARIAN LAW AND CRIMES AGAINST HUMANITY, INCLUDING ACTS OF GENOCIDE, IN RWANDA AND TO MAKE THIS INFORMATION AVAILABLE TO THE

SYG",

OP 1, LINE 3, DELETE "THE" AFTER "ANALYSE",

OP 1, LINE 6, INSERT "OR" BEFORE "OF OTHER". CHANGE REST OF PHRASE TO READ "BODIES OR PERSONS, PARTICULARLY THE SPECIAL RAPPORTEUR FOR RWANDA",

OP 2, LINE 10, DELETE "OTHER".

OP 4, LINES 1 - 2, DELETE "AS APPROPRIATE", INSERT AFTER "HIGH COMMISSIONER FOR HUMAN RIGHTS" THE PHRASE "TO MAKE THE INFORMATION SUBMITTED TO THE SPECIAL RAPPORTEUR AVAILABLE TO THE COMMISSION OF EXPERTS AND".

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7. ACTION REQUESTED: PLEASE ADVISE WHETHER USUN SHOULD ATTEMPT TO SEE WHETHER ANY OF THESE PROPOSED CHANGES IS ACCEPTABLE TO OTHER COUNCIL MEMBERS. WHATEVER WE DECIDE, WE SHOULD AVOID THE APPEARANCE OF ATTEMPTING TO DELAY PROGRESS ON THE RESOLUTION, WHICH COULD ADD TO THE

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PERCEPTION IN SOME QUARTERS THAT THE U.S. HAS NOT BEEN AS PROACTIVE AS WE SHOULD ON RWANDA. ALRIGHT

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